

# Shainis & Peltzman

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Aaron H. Shainis  
Lee J. Peltzman

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OCT 18 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
OF Counsel

William H. DuRoss, III  
Matthew L. Leibowitz

October 17, 1994

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

Re: Petition for Rule Making  
Duluth, Minnesota

Dear Mr. Caton:

Transmitted herewith, on behalf of QB Broadcasting, Inc., is an original and four (4) copies of its Petition for Rule Making seeking the substitution of Channel 269C3 for Channel 269A at Duluth, Minnesota, and the concurrent modification of license of Station KLXK-FM at Duluth.

Please contact the undersigned should questions arise regarding the filing of this Petition for Rule Making.

Sincerely,



Lee J. Peltzman

Counsel for  
QB BROADCASTING, INC.

Enclosure

cc: Andrew J. Rhodes, Esq.  
FCC - Room 8010

0-4  
MMB

RECEIVED

OCT 18 1994

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
 )  
Amendment of Section 73.202(b) ) MM DOCKET NO.  
FM Table of Allotments ) RM-  
(Duluth, Minnesota )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

QB Broadcasting, Inc. ("QB), licensee of Station KLXK-FM, Duluth, Minnesota, by its attorney, hereby respectfully requests that Section 73.202(b) of the Commission's rules be amended as follows:

	Channel No.	
	<u>Present</u>	<u>Proposed</u>
Duluth, Minnesota	269A	269C3

The allocation of Channel 269C3 at Duluth, Minnesota, can be made in accordance with the Commission's minimum distance separation and principal community coverage requirements. QB additionally requests the concurrent modification of its license for Station KLXK-FM to specify operation on Channel 269C3 at Duluth.

Clearly, the public interest would be advanced by the allotment of an expanded wide coverage area service to the community of Duluth, Minnesota. In the event that Channel 269C3 is allotted to Duluth, QB will promptly file an application for construction permit and, once that application is granted, will immediately construct its station and commence broadcast operations.

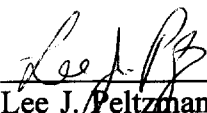
In fact, concurrent with the filing of this rule making petition, QB is filing a "one-step" upgrade application for KLXX-FM with the Commission seeking modification of construction permit on Channel 269C3 at Duluth. However, that application is contingent on the grant of another application and, for that reason, a waiver of the Commission's rules is being sought therein. Therefore, QB requests that the Commission delay its processing of this petition and its release of a Notice of Proposed Rule Making in this matter until the Commission's FM Branch has determined whether it will accept or dismiss QB's "one-step" upgrade application.

Respectfully submitted,

QB BROADCASTING, INC.

SHAINIS & PELTZMAN  
Suite 200  
2000 L Street, N. W.  
Washington, D. C. 20036

By: \_\_\_\_\_

  
Lee J. Peltzman  
Its Attorney

202/416-1633

October 17, 1994



CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112  
(612) 631-1338 • Fax (612) 631-3502

**ENGINEERING STATEMENT ON BEHALF OF  
QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

**September 30, 1994**



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Owl Engineering, Inc. has been retained by QB Broadcasting (hereafter QB) to prepare this Engineering Statement in support of a petition to amend the FM Table of Allotments, FCC Rule Section 73.202(b) as follows:

Location  
Duluth, MN

Present  
269A

Proposed  
269C3

The reference coordinates used for this study are:

46 38' 11" North Latitude  
92 00' 26" West Longitude

The proposal of QB was evaluated to determine if the proposed site coordinates would meet FCC spacing requirements. That analysis is attached as Engineering Exhibit E-1. As can be seen from exhibit E-1, QB's proposal meets all FCC spacing requirements set forth in section 73.207 of the FCC Rules.

The proposal of QB was evaluated to determine if the proposed site would meet FCC signal coverage requirements. The three to sixteen kilometer average terrain was computed using the NGDC data base and the distance to contours was computed using the FCC F(50,50) metric curves. The distance to the 70 dBu contour was calculated with an antenna



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Height Above Mean Sea Level (HAMSL) of 331 meters (HAAT: 100 meters) and an output power of 25 KW ERP. Engineering Exhibit E-2 shows the 70 dBu contour plotted and demonstrates that the entire city of Duluth is served by a signal strength of 70 dBu or greater.

The reference site would also provide line of site coverage to Duluth. Engineering Exhibit E-3 shows a terrain profile plot from the reference site to the city of Duluth. This permitted a determination to be made that there are no major obstructions in the intervening path from the transmitter site to the principal community. Clearly, the proposal of QB meets the requirements of FCC Rule section 73.315.

The reference site is depicted in Engineering Exhibit E-4 and shows that the reference site is suitable for tower construction.



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Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Duluth with a full time regional broadcast service.
2. The proposal will meet the requirements of FCC Rule Section 73.315.
3. The proposal will meet the requirements of FCC Rule Section 73.207.



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CHANNEL 269C3 TO DULUTH, MINNESOTA**

**AFFIDAVIT**

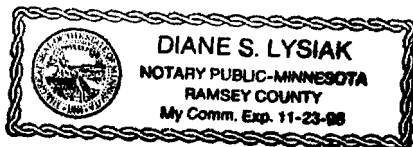
RAMSEY COUNTY                    )  
                                          )  
STATE OF MINNESOTA            )       ss:

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota; that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



Michael W. Radovich, P.E.

Subscribed and sworn to before me this date September 30, 1994



Diane S. Lysiak  
Notary Public

My commission expires November 23, 1998





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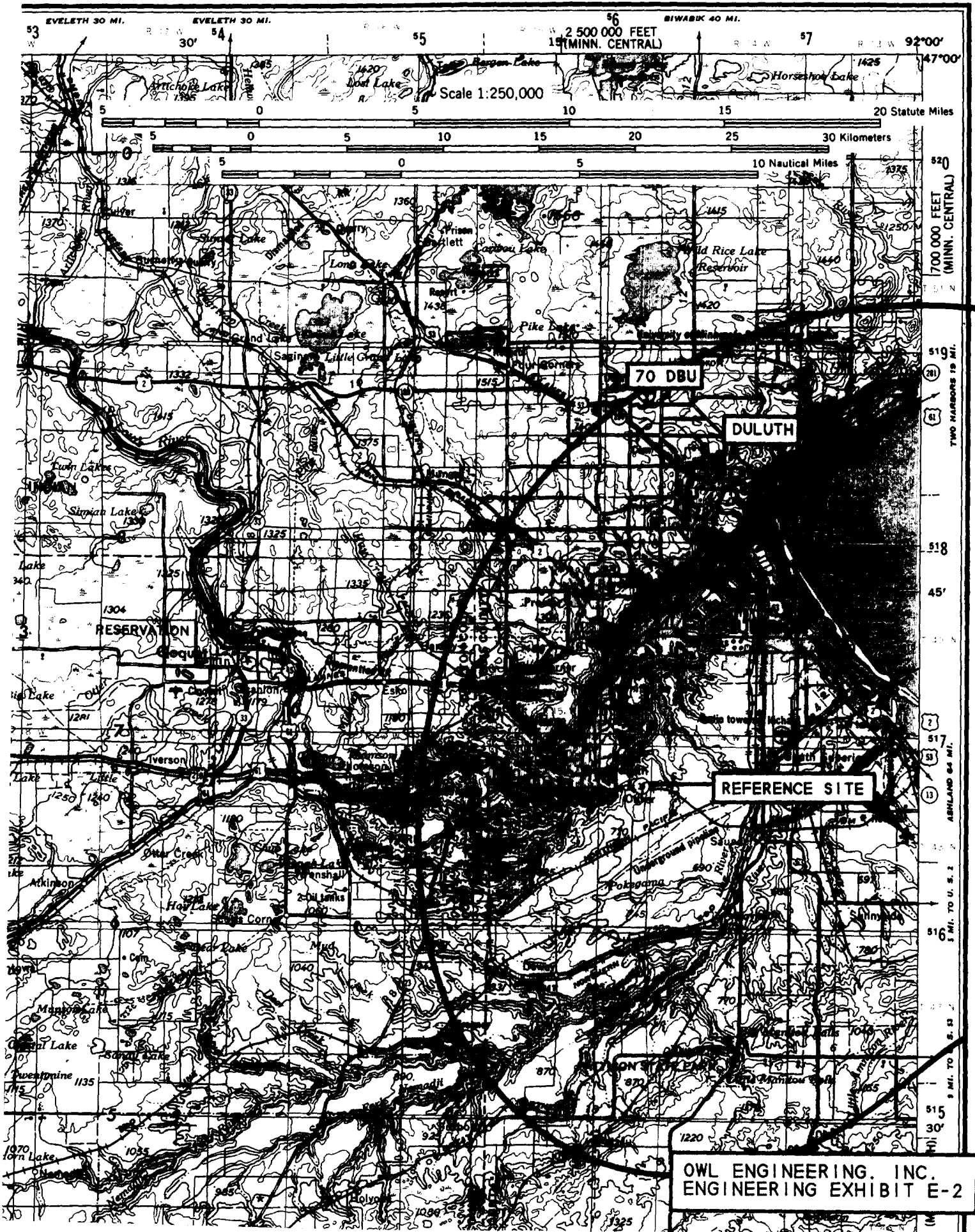
**ENGINEERING EXHIBIT E-1  
QB BROADCASTING  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CHANNEL 269C3 TO DULUTH, MINNESOTA**

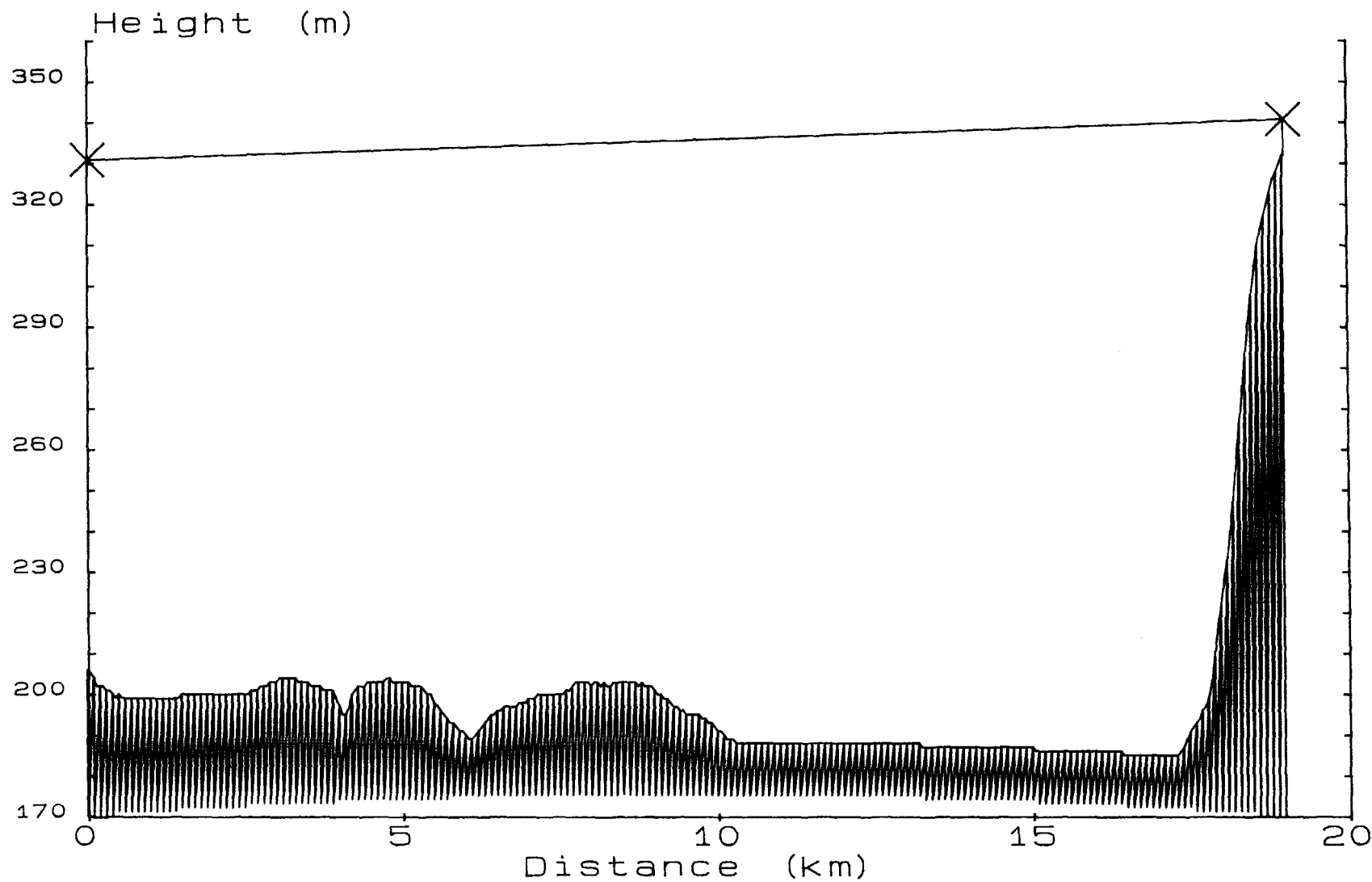
FM Channel 269-C3

LATITUDE: 46° 38' 11"  
LONGITUDE: 92° 0' 26"

CHNL	Call	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing °
215		NO CONFLICT					
216		NO CONFLICT					
266		NO CONFLICT					
267		NO CONFLICT					
268		NO CONFLICT					
269	WHSMPM	FMWI Hayward	A	80.86	142	-61.14	153.42*
269		FAON Fort Frances	B	250.77	223	27.77	332.43
269	WHMH	FRMN Sauk Rapids	C2	214.54	177	37.54	235.88
270		FRMN Nashwauk	C3	114.75	99	15.75	311.83
271		NO CONFLICT					
272		NO CONFLICT					

\* WHSMFM has filed a one step application modifying their channel of operation to channel 266A.



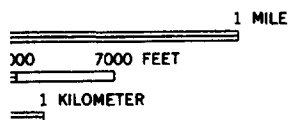
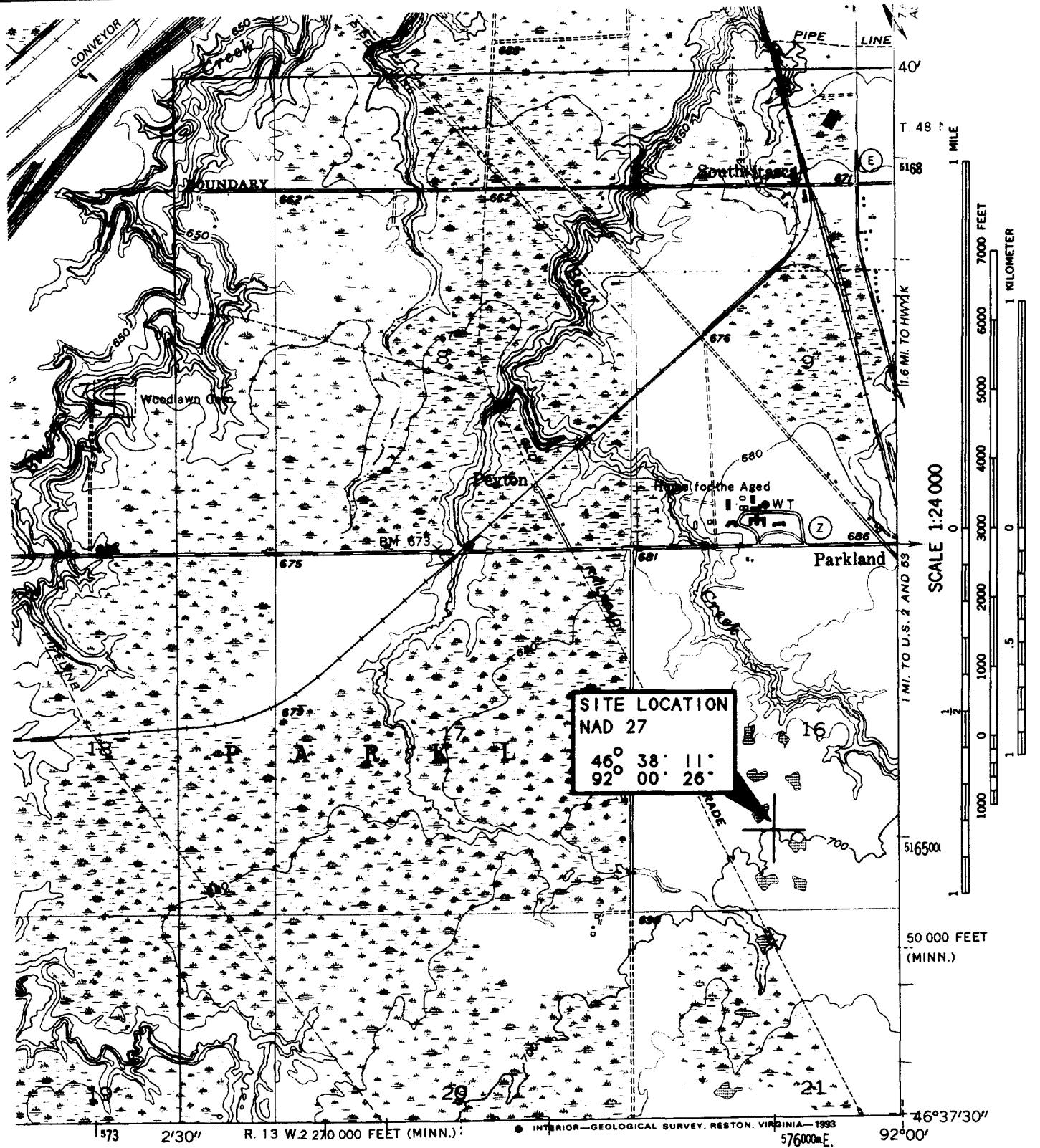


Profile Study For Duluth, MN

Owl Engineering, Inc.  
1306 W. County Rd. F

Saint Paul, Minnesota  
(612) 631-1338

Engineering Exhibit E-3



QUADRANGLE LOCATION

**ROAD CLASSIFICATION**

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

3ACY-CLASS 2  
STON, VIRGINIA 22092  
V, WISCONSIN 53706  
ON REQUEST

Revisions shown in purple compiled in cooperation with State of Minnesota agencies from aerial photographs taken 1991 and other sources. This information not field checked. Map edited 1993.

Information shown in purple may not meet USGS content standards and may conflict with previously mapped contours. Purple tint indicates extension of urban area.

## SUPERIOR, WIS.-MINN.

NE/4 SUPERIOR 15' QUADRANGLE  
46092-F1-TF-024

OWL ENGINEERING, INC.  
ENGINEERING EXHIBIT E-4